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BEFORE THE ARIZONA CORPORATION COMMISSION

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2008 AUG 22 A ID: 10

Arizona Corporation Commission

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AUG 22 2008

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IN THE MATTER OF THE PETITION OF THE
ARIZONA BOARD OF REGENTS ON BEHALF
OF THE UNIVERSITY OF ARIZONA FOR
DECLARATORY ORDER CONFIRMING THE
UNIVERSITY'S AUTHORITY TO SELECT
AMONG ELIGIBLE ELECTRIC SERVICE
PROVIDERS.

DOCKET NO. E-01461A-08-0300

PROCEDURAL ORDER**BY THE COMMISSION:**

On June 12, 2008, the Arizona Board of Regents on behalf of the University of Arizona ("University of Arizona" or "University") filed with the Arizona Corporation Commission ("Commission") the above-captioned Petition for Declaratory Order, seeking an order confirming the University of Arizona's authority to purchase power from a single electric service company and distribute that electricity to all operations throughout its Red Rock Agricultural Center property. The University of Arizona states that it has contracted with Arizona Public Service Company ("APS") to provide electric power to a meter located within APS's service territory, which electricity the University plans to self-distribute within its Red Rock Agricultural Center, including areas within Trico Electric Cooperative Inc.'s ("Trico") service area. The University states that Trico has objected to the University's decision to purchase power from APS, and claims that it would be unlawful for APS to deliver power within APS's service territory if that power was then self-distributed to areas within Trico's service area.

On July 8, 2008, Trico filed a Response to the Petition/Complaint.

By Procedural Order dated July 17, 2008, the Commission granted intervention to APS. The same date the Commission issued a Procedural Order setting a Procedural Conference for August 20, 2008.

1 On August 12, 2008, the University filed a Settlement Discussion Proposal.

2 On August 15, 2008, Trico filed a Response to the University's Settlement Discussion
3 Proposal.

4 At the August 20, 2008 Procedural Conference the parties agreed to participate in settlement
5 discussions and that a Procedural Conference in approximately 45 days to determine the status of this
6 matter would be appropriate.

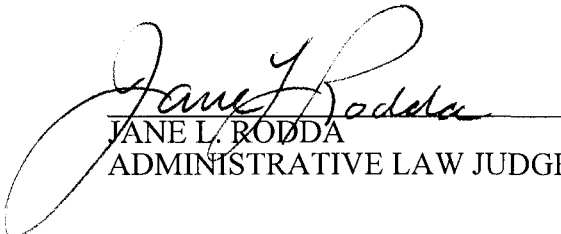
7 Consequently, in order to give the parties an opportunity to evaluate discovery responses and
8 participate in settlement discussions, and/or to stipulate to the material facts if possible, the
9 Commission will schedule a procedural conference in approximately 45 days. At that time the parties
10 should be prepared to inform the Commission as to the fruits of their settlement discussions. If the
11 parties are unable to resolve the matter, they should be prepared to provide procedural
12 recommendations (e.g. evidentiary hearing or legal briefs with or without oral argument, and the
13 timing of such proceeding) for Commission resolution of the matter.

14 IT IS THEREFORE ORDERED that a **Procedural Conference** for the purpose of updating
15 the Commission on the status of this matter and determining procedures for going forward, if needed,
16 shall commence on **October 3, 2008, at 10:00 a.m.**, or as soon thereafter as is practical, at the
17 Commission's offices, Room 222, 400 W. Congress Street, Tucson, Arizona. The parties may
18 appear telephonically. The telephone number to participate is **(602) 771-9952**.

19 IT IS FURTHER ORDERED that **all parties must comply with Rules 31 and 38 of the**
20 **Rules of the Arizona Supreme Court and A.R.S. §40-243** with respect to practice of law and
21 admission *pro hac vice*.

22 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
23 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

24 DATED this 21st day of August, 2008.

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JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed
this 2/5th day of August, 2008 to:

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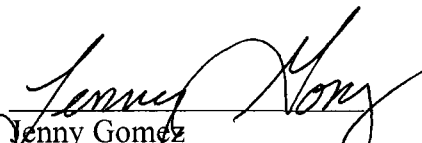
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By:


Jenny Gomez
Secretary to Jane L. Rodda